

STATE OF SOUTH CAROLINA)

BEFORE THE STATE ETHICS COMMISSION

COUNTY OF RICHLAND)

IN THE MATTER OF:)

COMPLAINT C2008-001)

DECISION AND ORDER

State Ethics Commission,
Complainant;

vs.)

Silas Seabrooks,
Respondent.)

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STATE ETHICS
COMMISSION

Pursuant to Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, the State Ethics Commission reviewed the above captioned complaint on November 14, 2007, charging the Respondent, Silas Seabrooks, with a violation of 8-13-700 (A), Code of Laws for South Carolina, 1976, as amended.

Present at the meeting were Commission Members Susan P. McWilliams, Chair, Marvin D. Infinger, Vice-Chair, Edward E. Duryea, Priscilla L. Tanner, Robert A. Bruce, G. Carlton Manley and E. Kay Biermann Brohl. Also present were the Commission's Executive Director, Herbert R. Hayden, Jr., and his immediate staff.

The following allegations were considered:

ALLEGATIONS

On July 9, 2008 the State Ethics Commission filed a complaint against Silas Seabrooks, Mayor, Town of Santee, SC. The complaint alleged that the Respondent, according to reliable information, has used his position as a public official for his own financial gain in violation of

Section 8-13-700 (A) of the South Carolina Code of Laws.

FINDINGS OF FACT

Having carefully reviewed the evidence presented, the Commission finds as fact:

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1. The investigation focused on the Respondent's travel expenses and his alleged use of a Town-owned vehicle for personal trips.
 2. The Town of Santee has an ordinance in effect that requires Town Council's prior approval for any official travel that involves expenses in excess of \$300.00. In reviewing the Respondent's travel vouchers it was determined that he made July 2004 and July 2005 trips to the Municipal Association meetings at Hilton Head where the expenses claimed for each trip were in excess of \$300.00. In May 2006 the Respondent claimed reimbursement in the amount of \$902.45 for travel expenses for attending the National Conference of Black Mayors at Baton Rouge, LA. A review of the minutes of Santee Town Council meetings did not disclose any authorization for these three business trips.
 3. The investigation into the use of a Town vehicle for personal trips on the part of the Respondent failed to identify any witnesses who could be certain that the Mayor was not on Town business when he was observed using a Town vehicle.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent is a public official as defined in Section 8-13-100 (27) and is, therefore, within the jurisdiction of the State Ethics Commission.

2. Section 8-13-700 (A) states no public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which does not result in additional public expense.

DISCUSSION

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When a public official of a town attends a business meeting in his official capacity he should expect to be reimbursed for any reasonable expenses incurred. However, if a town ordinance requires council approval prior to incurring expenses, the public official should adhere to the requirement. Failure to obtain approval places the public official in jeopardy of not being reimbursed upon return, and having to pay the expenses from personal funds.

The Commission's responsibility in this matter is to determine whether a violation of state law has occurred, not whether a local ordinance has been violated. That responsibility rests with the town council. In this case the Commission feels that the trips taken were legitimate business trips and that the Respondent attended in his official capacity as Mayor. Since the Respondent failed to obtain Council's approval, whether the Respondent should be reimbursed for his expenses is a matter for Council to decide.

The complaint also alleged that the Respondent used a town vehicle for personal use. While

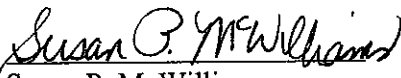
it may be true that the Respondent been observed driving a town vehicle, there is not evidence to support the allegation, nor to suggest that the Respondent was not on official business at the time.

DECISION

THEREFORE, based upon evidence presented, the State Ethics Commission has determined that there is not probable cause to indicate that the Respondent, Silas Seabrooks, violated Section 8-13-700 (A), S.C. Code Ann., 1976, as amended. The Commission has therefore dismissed the charges in accordance with Section 8-13-320(10)(i), Code of Laws for South Carolina, 1976, as amended, and the rules and regulations promulgated thereunder.

IT IS SO ORDERED THIS 30th DAY OF November, 2007.

STATE ETHICS COMMISSION


Susan P. McWilliams,
Chair

COLUMBIA, SOUTH CAROLINA